

**Submission on Proposed Water Permits Plan Change (Plan Change 7)
to the Regional Plan: Water for Otago**

*(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991 –
Submission on Publicly Notified Proposal for Policy Statement or Plan)*

To: Otago Regional Council
policy@orc.govt.nz

Name of submitter: Glen & Renee Harrex, Bevan Beattie & Sue Ingram (the estate of Rick Beattie), Dave & Kate Menzies and Peter & Margaret Hore and Simon & Gemma of German Creek Holdings Limited being the permit holders of WR4892N

Name of organisation (if applicable): Downs Irrigation Settlement

Contact person: Zoe McCormack
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I **wish** / ~~do not wish~~ (circle preference) to be heard in support of my further submission.

If others made a similar submission, I **will** consider presenting a joint case with them at a hearing.
(Delete if you would not consider presenting a joint case)

Trade competitor's declaration (if applicable)

I ~~could~~ / could not (circle one) gain an advantage in trade competition from this submission

I am / ~~am not~~ (circle one) directly affected by an effect of the plan change that

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

Signature of submitter:



..... Date:4 May 2020

(Or person authorised to sign on behalf of person making submission)

State what your submission relates to *and* if you support, oppose, or want it amended:

(e.g. support rule 'x', or amend policy 'y')

The *Downs Irrigation Settlement* opposes the whole of PC7, as detailed in the following pages.

State what decision you want the Otago Regional Council to Make:

(e.g. amend policy 'y' to say...)

1. We seek that PC7 is declined in its entirety.
2. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.
3. We support and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.

Give reasons for the decision you want made:

(e.g. I want policy 'y' changed because...)

The reasons for the decisions sought by the Downs Irrigation Settlement are set out in the following pages.

Summary of Submission on PC7

1. This submission relates to Plan Change 7 in its entirety.
2. We oppose Plan Change 7 in its entirety.
3. The Downs Irrigation Settlement (also referred to as the Downs Irrigation Scheme of the 'downs') is a water users group comprising four neighbouring properties located within the Dunstan Creek arm of the Manuherikia Catchment generally between Becks and Saint Bathans. The irrigation scheme is operated by the four users who share Deemed Permit WR4892N authorizing water abstraction from Dunstan Creek for irrigation and stock drinking water purposes. These users submit this submission on PC 7.
4. Deemed Permit WR4892N is due to expire 1 October 2021. Water is abstracted from Dunstan Creek which is a major tributary to the Manuherikia River. Water is used within an irrigation command area of almost 800 ha of land extending along the banks of the true left of the Dunstan Creek to its confluence with the Manuherikia River. The land immediately supported by this irrigation is in upwards of 8,500 ha of farmland.
5. Water is shared amongst the users following the rules of a rationed apportionment which entitles each user to a 'share' of WR4892N and by the 'handshake' agreements between each of the users that ensures the fair use of water within the command area.

6. In accordance with Policy 6.4.12A of the Region Plan: Water for Otago the users of Dunstan Creek and its tributaries have formed a water management group, called the Dunstan Water Users Group. All members take water from Dunstan Creek and/or its tributaries directly and/or are delivered water by the OAICL (Omakau Area Irrigation Company Limited) Dunstan Race. The formation of the Dunstan Water Users Group was instigated by the irrigators in this catchment themselves in 2016/2017.
7. The group have devised principles for co-ordinating their water abstractions and water rationing, for now and in the future and have worked together to date to gather information of their catchment, hosted a field day for key stakeholders to attend in April 2018 so that they could understand the workings of the complex catchment, represent themselves at various ORC led and OWRUG led meetings and information sessions relating to the Manuherikia Catchment and to come up with a future proposed water sharing and abstraction regime that will significantly improve the existing aquatic habitat from the status quo.
8. A proposed residual flow in Dunstan Creek is part of the Dunstan Water Users individual Deemed Permit replacement applications. Of which one Dunstan Water User has lodged their permit replacement application – being Cairn Hill Limited application RM19.125. RM19.125 was filed early due to an earlier expiration date.
9. As such, the Downs is in the process of compiling their application to replace WR4892N. This application, and the work completed to date in preparation of this application has been undertaken over at least the past three years with an intended submission date later this year, months before the expiration date in October 2021.
10. The Downs users have invested **significantly** in cost and time, and review of their existing scheme operations as part of preparing their application to date, and in their contributions to the Dunstan Water Users Group.
11. Water is sourced for the Downs irrigation settlement from Dunstan Creek. Water is conveyed via gravity through one main open race to the user's properties. Water is used for irrigation of pasture and crops and stock drinking water. The water take has been metered since 2013 at an agreed WEX site.
12. Significant investment has been made in the last two decades to upgrade the scheme users irrigation methods from flood to spray irrigation. Further operational efficiencies will enable additional irrigation within the existing allocation and command area amongst users, this includes the planned installation of an automatic gate on the Downs Race this year (2020). Capital investment is unlikely to be funded off the back of short term permits that increase uncertainty around future attainability of the water resource.
13. The prospect of short term consents is a of great concern to us, because it jeopardises the existing investment in irrigation on our properties and the 8,500 ha of viable farming that it supports. It also doesn't present any better outcome for our Dunstan Catchment, where we can achieve better environmental outcomes than the status quo by an agreed and shared residual flow on Dunstan Creek, as we propose.
14. PC7 penalises water users for the Otago Regional Council's (ORC's) lack of capability in preparing a minimum flow and allocation limit for the Manuherikia catchment in a timely and effective manner.

15. The Downs users have been active in seeking a comprehensive, appropriate limit setting plan change for the Manuherikia that is compliant with the National Policy Statement for Freshwater Management (NPSFM). This work specific to the Dunstan Catchment includes:
 - a. The formation of the Dunstan Water Users Group;
 - b. The support and involvement of the DWUG representatives in the OWRUG Manuherikia subcommittee;
 - c. Support and presentation to Council meetings;
 - d. Hosting of fields days to expand awareness and understanding of the uniqueness of this catchment and to eventually devise good future proposed outcomes for the catchment;
 - e. Engagement with key stakeholders including, Fish and Game, the Department of Conservation, and iwi to understand and record the values of Dunstan Creek held by those stakeholders;
 - f. Commissioning of further technical assessments, including longitudinal surveys of Dunstan Creek, assessment and interpretation of abstraction and instream water metering records to understand the hydrology of the Creek, fish surveys and habitat modelling.
16. Despite the ORC knowing of this work above being undertaken, it had not been acknowledged by Professor Peter Skelton's report which underpins the proposed PC7, nor the proposed PC7.
17. The Downs users have actively attended and participated in a raft of ORC consultation meetings since August 2016. Although we have tried to communicate with ORC on multiple occasions the complexity of our specific Manuherikia Catchment, we feel that throughout this time ORC have lost their way. They have changed their minds on the NPSFM and have been slow to acknowledge that they actually need to gather more science on the Manuherikia Catchment. They have been slow to implement any summer science programmes to gather aquatic and hydrological data.
18. The continued change of mind, and the fact that we have been engaging with ORC for four years has worn us out. This proposed plan change adds more worry to our plates, as we already have plenty to contend with including the day to day running of our farms which have been significantly impacting amid the COVID-19 lockdown period. From our perspective this plan change won't achieve any tangible environmental outcome. It is a waste of energy, cost and hassle at a time where we should be focussing our attention at our permit replacements and meeting those obligations and limit setting in the Manuherikia River, not delaying the inevitable.
19. We want to have the opportunity to apply for long term permits that is not discouraged by the policies in a plan, nor the cost of a non-complying consent pathway. We believe that if we are striving for and achieving good environmental outcomes whilst meeting the objectives and values of our catchment, there should be no restriction on the term of consent that replaces our deemed permit.
20. There is no need for PC7. The existing Regional Plan Water (RPW) is proving effective at retiring paper allocation in catchments where that is an issue. The issues with the current RPW that have been identified in the s32 report are not overcome by PC7. Everything identified in PC7 can still be achieved under the existing RPW framework.
21. The method proposed within PC7 provides no flexibility or consideration of the individual situations where metering records from 2012 are not available. We had installed a water meter in 2013 and therefore have no metered record from before this time.

22. We are willing and able to lodge our replacement application before October 2021 and we should not be prevented from seeking the long-term consent that we need. Many have already applied for and been granted long term consents, including Cairn Hill Limited (who have applied) a member of the Dunstan Water Users Group. The Downs settlement should not be disadvantaged in their ability to apply for a longer consent term because they have lodged their application later than another user in their water group. Especially as, Cairn Hill Limited had an earlier expiration date than October 2021 and have as such lodged theirs prior to their expiration date.
23. The assumption by ORC that the Controlled Activity Rule (Rule 10A.3.1.1) will enable a “short term relatively low-cost consent” does not account for the cost already expended in all of the work already undertaken to prepare our consent application to the current standard, and level of assessment as prescribed in the RPW.
24. With respect to the proposed methodology, we calculate that our annual and monthly abstraction will be reduced by 20 – 22 % respectively. The effect of a 20% annual volume reduction could mean that an 8 month irrigation season now becomes a 6.5 month irrigation season. The use of averages of past records of abstraction in calculating future maximum abstraction volumes short-changes the permit holder, and the blanket reduction in actual water use is not based on any scientific reasoning. We do not support the new methodology, any reduction in our demonstrated abstraction is unnecessary, and not consistent with the demand for the area that we irrigate. Furthermore, it doesn't account for water used to 'drive' water down the race to our users. Our applications should be assessed on the merits of a range of factors, including irrigation efficiency, water use demand, and a robust assessment of the actual and potential effects of the take, not some arbitrary use of averages.
25. PC7 should be rejected because:
 - a. In the Manuherikia Catchment, PC7 is not necessary. It adds work, confusion and no environmental benefit in a catchment that has already spent years preparing for their deemed permit replacements and has already engaged with ORC on multiple occasions as outlined in the Manuherikia Catchment Group submissions and at length to come up with a good, and robust planning framework for this catchment.
 - b. We have already invested in the current permit replacement process so far that we are almost ready to lodge our consent application. shifting the goals posts 'just because' is unfair to us and pays no respect to the users that have already been hard at work preparing for this process. The current planning framework is fit for purpose, and the original proposed Manuherikia Limit Setting plan change is a more appropriate and cost effective way to deal with allocation and flows in this catchment.
 - c. PC7 is merely a way to give ORC some 'breathing space' to process consents, but it actually doubles their workload in the long term and disproportionately disadvantages the water user.
 - d. It discourages us, as the permit holders from working with other stakeholders to achieve environmental benefits e.g. proposing a residual flow for Dunstan Creek that will almost immediately and significantly improve the aquatic habitat from the status-quo.

- e. Now, more than ever, we (as farmers) should be supported in investing in things that actually support the economy, not putting the economy on hold for 6 years.
26. PC7 undermines the collective, collaborative approach undertaken by water users in our catchment so far and will essentially pit water users against each other through the absence of a residual flow (as our catchment intends to propose and has already through the Cairn Hill Limited application) and recognition of priorities that are in turn translated to water sharing agreements, ensuring that we all work together.
27. It is essential and urgent that the focus of work needs to be on continuing to work with the Manuherikia catchment to develop and finalise the limit setting plan change for this catchment, to allow a transition from deemed permits in an NPSFM compliant manner.

Please attach any additional information.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON Monday 4 May 2020

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Deliver to Otago Regional Council offices at:

- 70 Stafford Street, Dunedin
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Online at www.orc.govt.nz/WPPC

Please note:

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.